New Civil Liberties Alliance

March 26, 2025

Clifton Cislak Clerk of Court U.S. Court of Appeals for the District of Columbia Circuit 333 Constitution Ave NW Washington, DC 20001

VIA CM/ECF

Re: Newman v. Moore, No. 24-5173; Rule 28(j) Letter

Dear Mr. Cislak:

Judge Newman submits this letter under Federal Rule of Appellate Procedure 28(j) in order to bring to the Court's attention pertinent legal authorities that have come to light after Judge Newman filed her Reply Brief.

Two disciplinary complaints were recently filed against Senior Judge Reggie B. Walton¹ of the United States District Court for the District of Columbia—a Court within this Circuit's Judicial Conference. The Chief Judge of this Court, the Hon. Sri Srinivasan, promptly transferred the complaint to another Circuit's Judicial Council. See In

¹ Although the decision does not identify Judge Walton by name, he has confirmed that he was the subject judge. *See* Emily Sawicki, *Third Circuit Axes Ethics Claim Against Judge Critical of Trump*, Law360 (March 24, 2025) ("The order, dated Jan. 31 and later released by the Third Circuit, did not specify the 'subject judge,' but a representative for Judge Walton confirmed his identity.")

Re: Complaint of Judicial Misconduct or Disability, Nos. 03-24-90134 and 03-24-90135 (Chief Judge of the Third Circuit, Jan. 31, 2025), https://tinyurl.com/vrewpp28.2

This complaint was transferred precisely because this Circuit's Judicial Council includes Judge Walton's close colleagues who are well familiar and share the same courthouse with him. This case is yet another example of how *always* and in *every situation* where even the appearance of conflict of interest may have arisen, the matter has been transferred to another court's judicial council.

The transfer of this matter further support Judge Newman's argument that the failure to transfer in her case, where all actors know each other too well, has denied her due process of law.

I would appreciate you circulating this letter to the members of the Court.

Respectfully submitted,

/s/ Gregory Dolin

Senior Litigation Counsel

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² Though Third Circuit's Chief Judge rendered his decision almost two months ago, the decision was not made public until earlier this week.

CERTIFICATE OF COMPLIANCE

This letter complies with the type-volume limit of Federal Rule of Appellate Procedure 28(j) because it contains 299 words. The letter also complies with the typeface and type-style requirements of the Federal Rule of Appellate Procedure because it was prepared using Microsoft Word in Century Schoolbook 14-point font, a proportionally spaced typeface.

/s/Gregory Dolin

Gregory Dolin

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing all registered users associated with this case.

/s/Gregory Dolin

Gregory Dolin